IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.13346 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL JIGISHABAHEN RAJENDRABHAI & ORS.

Versus

DIRECTOR OF PRIMARY EDUCATION & ANR.

Appearance:

1. Special Civil Application No. 13346 of 2003

MR VIJAY N RAVAL for Petitioner Nos. 1-7

MR AD OZA GOVERNMENT PLEADER for Respondent Nos. 1-2

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 09/09/2003

ORAL JUDGEMENT

1. Rule.

Mr.A.D.Oza, learned Government Pleader, waives service of Rule on behalf of the respondents.

With the consent of the learned Counsel for the parties, the matter is taken up for final hearing today.

2. Having heard the learned Counsel for the parties, there is a consensus that this petition is covered by the decision dated 25th August, 2003 of this Court in Special Civil Application No.12235/03 in the case of Joshi Bhagvanbhai Karshanbhai vs. State of Gujarat and, therefore, no detailed reasons are required to be recorded.

3. In view of the above, the following directions are required to be issued:

(A) All those petitioners, who have applied prior to 13th July, 2003 and if their cases are similarly situated, then 15 marks shall not be deducted while preparing the merit list in view of the decision dated 13th August, 2003 of this Court in Special Civil Application No.9817 of 2003 and allied matters, in case of Zaranben Rasikbhai Patel & Ors. vs. State of Gujarat & Ors. However, the authorities shall not be required to comply with these directions in case the judgement of this Court in case of Zaranben (supra) is stayed and/or modified and/or reversed by the higher forum known to law and in such circumstances, it will be open for the State Authorities to give effect accordingly.

(B) If any of the petitioners who have applied late in time i.e. after 13th July, 2003 or if their applications otherwise are not to be considered eligible in view of other aspects would not be entitled to the benefit of direction No.(A) with a clarification that in the event of rejection of such applications by the Authorities, it would be open to such petitioners to challenge the said action in accordance with law.

(C) This order shall not be construed as disturbing the admissions already granted to the students till today and the aforesaid directions shall apply for considering the admissions in future or henceforth.

4. This petition is disposed of in terms of the aforesaid directions. Rule is made absolute to the aforesaid extent. Considering the facts and circumstances, there shall be no costs.

Direct Service is permitted.

(Jayant Patel, J.)

kamlesh*